

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SAMUEL M. ROBERTS,

Plaintiff,

-vs.-

Civil No. 11 CV 6206L

LOS ALAMOS NATIONAL SECURITY, LLC.,
AWE, PLC., MASSACHUSETTS INSTITUTE OF
TECHNOLOGY,

Defendants,
Third-Party Plaintiffs,

-vs.-

UNIVERSITY OF ROCHESTER

Third-Party Defendant.

**PLAINTIFF'S RESPONSE TO AWE'S STATEMENT OF
UNDISPUTED MATERIAL FACTS**

Pursuant To Local Rule 56 of the Rules of Civil Procedure for the United States District Court for the Western District of New York, Plaintiff, Samuel M. Roberts, responds to AWE'S Statement of Undisputed Material Facts as follows:

1. Through 8. Undisputed.
9. Disputed. Dr. Horsfield of AWE admits in his declaration that AWE and Los Alamos had the right to install a new PMT and other equipment on the Light Pipe in between shots.
10. Disputed.

11. Disputed. Dr. Horsfield of AWE admits in his declaration that AWE and Los Alamos had the right to install a new PMT and other equipment on the Light Pipe in between shots.
12. Through 15 Undisputed.
16. Disputed. The Light Pipe is located in both the target bay and “La Cave” as admitted in AWE’s affidavits.
17. Disputed. Dr. Horsfield of AWE admits in his declaration that AWE and Los Alamos had the right to install a new PMT and other equipment on the Light Pipe in between shots. See Declaration of Dr. Horsfield, paragraph 7.
18. Disputed. Dr. Horsfield of AWE admits in his declaration that AWE and Los Alamos had the right to install a new PMT and other equipment on the Light Pipe in between shots. See Declaration of Dr. Horsfield, paragraph 7.
19. Disputed. Dr. Horsfield of AWE admits in his declaration that AWE and Los Alamos had the right to install a new PMT and other equipment on the Light Pipe in between shots. See Declaration of Dr. Horsfield, paragraph 7. Undisputed.
20. Unknown to Plaintiff. Plaintiff reserves the right to explore during depositions.
21. Unknown to Plaintiff. Plaintiff reserves the right to explore during depositions.
22. Undisputed.
23. Disputed. Dr. Herrmann of Los Alamos admits that he requested an increase in the pressurized carbon dioxide in the Light Pipe from 50 PSI to 100 PSI. See Herrmann Supplemental Affidavit, paragraph 7. Principal investigators consent to any and all adjustments to the Light Pipe in between their shots is required by the applicable provisions of the LFORM.

DATED: Pittsford, New York
 November 21, 2012

s/Louis J. Micca
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